



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

March 30, 2004

Ref: 8ENF-W

CERTIFIED MAIL 70031010 0002 6364 4300
RETURN RECEIPT REQUESTED

Kevin Brown, Director
Division of Drinking Water
Utah Department of
Environmental Quality
P.O. Box 144810
Salt Lake City, UT 84114-4810

NOTICE OF VIOLATION

Docket No. **SDWA-08-2004-0016**

Fifetown Water System
POB 284
Cedar City, UT 84720
PWS #UT4914154

Dear Mr. Brown:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of failure to monitor bacteriological quality, nitrate, pesticides, radionuclides, volatile organic chemicals, inorganic chemicals, asbestos, and lead and copper; failure to complete a 2002 consumer confidence report; failure to submit bacteriological and lead/copper sample siting plans; failure to provide public notice of the violations; and failure to notify the State of the violations. Our records, obtained from the Utah Department of Environmental Quality (DEQ), indicate the violations noted below. Please notify Kathelene Brainich of my staff at (303) 312-6481 within 20 days if your records show any discrepancies with these determinations of violation.

Date of
Violation

Violation

January, May,
July, August,
October, November,
December 2003

Failure to monitor for bacteriological quality

March 2003

Failure to take repeat samples after a fecal

	positive sample
April 2003	Failure to take 5 routine total coliform samples after a positive total coliform sample the preceding month
January, February, April, May, June, November 2002	Failure to monitor for bacteriological quality
January, February, March, April, May, June, July, September, October, November, December 2001	Failure to monitor for bacteriological quality
January, February, March, April, May, June, July, August, September, October, November, December 2000	Failure to monitor for bacteriological quality
February, March, April, May, June, July, September, October, November, December 1999	Failure to monitor for bacteriological quality
1999, 2001, 2003	Failure to monitor for nitrate
1999	Failure to monitor for nitrite
every quarter 1999 - 2003	Failure to monitor for pesticides
every quarter 1999 - 2003	Failure to monitor for radionuclides
1999 - 2003	Failure to monitor for volatile organic chemicals
1999, 2003	Failure to monitor for inorganic chemicals
1999 - 2003	Failure to monitor for lead and copper (every six months)
1999 - 2003	Failure to monitor for asbestos (regulatory requirement is to monitor during the first three years of the nine year cycle of 1993-2001. The system has continued to violate the regulation through 2003)
2002	Failure to complete a consumer confidence report
1999 - 2003	Failure to submit a bacteriological sample

siting plan.

1999 - 2003	Failure to submit a lead and copper materials analysis and sample siting plan.
1999 - 2002	Failure to provide public notice of violations
1999 - 2003	Failure to report violations to the State.

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kathelene Brainich at (303) 312-6481.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the Respondent is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate a Respondent's responsibility to comply with the Act, nor does it create any new defenses under the law.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Michael T. Risner for/

David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Sherry Larsen, Fifetown Water System
Ken Bousfield, UT DEQ DW

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IF YOU WOULD LIKE COPIES OF THE ATTACHMENT, PLEASE CONTACT THE REGIONAL HEARING CLERK.

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON MARCH 30, 2004.